

22 JUL 2002

UNITED STATES PATENT and TRADEMARK OFFICE



COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Crystal Square Five- Fourth Floor
1755 Jefferson Davis Highway
Arlington VA 22202

In re Application of
Yuichi WATANABE
Application No.: 09/926,281
PCT No.: PCT/JP01/00885
Int. Filing Date: 08 February 2001
Priority Date: 08 February 2000
Attorney's Docket No.: P1389
For: APPARATUS AND CIRCUIT FOR POWER
SUPPLY, AND APPARATUS FOR CONTROLLING
LARGE CURRENT LOAD

DECISION ON

RENEWED PETITION

UNDER 37 CFR 1.181

This decision is in response to the "PETITION UNDER 37 CFR 1.181 FOR CORRECTED NOTICE OF ACCEPTANCE" requesting that the filing date of the above application be corrected to October 23, 2001, and to waive the extensions fees due to non-receipt of decision mailed on 04 June 2002.

BACKGROUND

In a decision dated 08 October 2002 from this office, the "Petition for Corrected Official Filing Receipt" filed on 22 May 2002 was reviewed. The decision stated that if was unclear if the Declaration submitted on 12 December 2001 was a true copy of the Declaration filed on 23 October 2001, and a proper response must be filed within the time period remaining from the 04 June 2002 decision.

On 04 November 2002, the present petition was submitted requesting that the filing date of the above application be corrected to October 23, 2001, and to waive the extension fees due to non-receipt of the decision mailed on 04 June 2002.

DISCUSSION

REQUEST TO CORRECT OFFICIAL FILING RECEIPT:

This petition is to correct the "filing date" appearing in the filing date box of the filing receipt of the above application that was purported to have been filed on October 23, 2001. Applicants filed the above papers, accompanied by a copy of the original postcard which was sent with the Declaration.

The postcard lists the items submitted on 23 October 2001, and it indicates that, *inter alia*, a Declaration was submitted to the U.S. Patent Office on such date.

MPEP 503 provides:

A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped by the PTO.

Applicant's postcard is accepted as *prima facie* that, *inter alia*, that the Declaration was submitted to the U.S. Patent Office on such date.

WAIVE EXTENSIONS FEES DUE TO NON-RECEIPT OF SAID DECISION:

Applicants also filed a separate petition to waive the extensions fees due to non-receipt of an Office decision, accompanied with a photocopy of the docket record from August 2 – August 5, where the date for the response to the decision of this Office mailed on 04 June 2002 would have been docketed for mailing.

A review of the August 2 – August 5 docket reports indicating all replies docketed for a date of two months from the 04 June 2002 mail date shows that the decision was not received by applicant's representative.

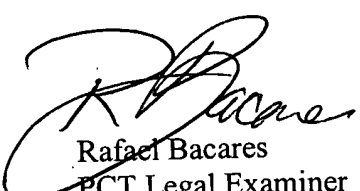
Accordingly, this showing overcomes the presumption that applicant did receive the decision mailed on 04 June 2002, and the extension fees to the reply of 04 June 2002 is waived.

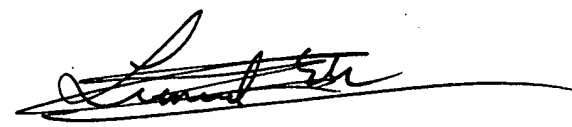
DECISION

The petition under 37 CFR 1.181 is **GRANTED**.

The Notification of Acceptance of Application mailed on 24 January 2002 is **VACATED**.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision that is, for issuance of a *corrected* Notification of Acceptance of Application (Form PCT/DO/EO/903) identifying a 35 U.S.C. § 371 date of **23 October 2001**.


Rafael Bacares
PCT Legal Examiner
PCT Legal Affairs
Work (703) 308-6312
Fax (703) 308-6459


Leonard Smith
PCT Legal Examiner
PCT Legal Affairs